



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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CITY OF SAN DIEGO WINS KEY DE ANZA RULING

San Diego, CA: The City of San Diego is one step closer to reclaiming the lands at De Anza Cove for use as public parkland thanks to a favorable Court ruling on December 20, 2005. Superior Court Judge Charles R. Hayes ruled that the City was not liable for inverse condemnation because the Plaintiffs did not own the property. The court's decision also stated that residents are not entitled to any relocation assistance because they do not qualify under the California Relocation Assistance Law.

"Our ultimate goal is to see that the residents receive fair and just treatment as we transition the property," said City Attorney Michael Aguirre.

A group of individuals residing in mobile homes at De Anza filed a lawsuit against the City, (De Anza Cove Homeowners Association, Inc. v City of San Diego and the De Anza Harbor Resort and Golf, LLC.), claiming it was liable for inverse condemnation because residents were not properly compensated for the loss of the use of the property or the cost of the mobile homes. Residents sought monies for being forced off the land.

The Plaintiffs' lawsuit also alleged the City must complete a Tenant Impact Report to assess the effect of transitioning the park back to public use. The Court's ruling does allow residents to maintain their allegations pending further motion that the City is required to conduct a report and additional allegations related to the allegations of mismanagement. The City, however, had previously agreed to conduct the impact report, and the work is beginning immediately after the New Year.

The City Attorney's office and the City Attorney are looking forward to working with the residents to resolve the remaining issues in the case. More importantly, the City Attorney and the City Attorney's office continues its pledge to assist the residents to live in dignity and with respect, working cooperatively with residents to understand their needs and concerns as citizens of the City.

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